

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 1A-4, 10-20.30, 10-21.4, and 34-8 as follows:

6 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

7 Sec. 1A-4. Powers and duties of the Board.

8 A. (Blank).

9 B. The Board shall determine the qualifications of and
10 appoint a chief education officer, to be known as the State
11 Superintendent of Education, who may be proposed by the
12 Governor and who shall serve at the pleasure of the Board and
13 pursuant to a performance-based contract linked to statewide
14 student performance and academic improvement within Illinois
15 schools. Upon expiration or buyout of the contract of the State
16 Superintendent of Education in office on the effective date of
17 this amendatory Act of the 93rd General Assembly, a State
18 Superintendent of Education shall be appointed by a State Board
19 of Education that includes the 7 new Board members who were
20 appointed to fill seats of members whose terms were terminated
21 on the effective date of this amendatory Act of the 93rd
22 General Assembly. Thereafter, a State Superintendent of
23 Education must, at a minimum, be appointed at the beginning of

1 each term of a Governor after that Governor has made
2 appointments to the Board. A performance-based contract issued
3 for the employment of a State Superintendent of Education
4 entered into on or after the effective date of this amendatory
5 Act of the 93rd General Assembly must expire no later than
6 February 1, 2007, and subsequent contracts must expire no later
7 than February 1 each 4 years thereafter. No contract shall be
8 extended or renewed beyond February 1, 2007 and February 1 each
9 4 years thereafter, but a State Superintendent of Education
10 shall serve until his or her successor is appointed. Each
11 contract entered into on or before January 8, 2007 with a State
12 Superintendent of Education must provide that the State Board
13 of Education may terminate the contract for cause, and the
14 State Board of Education shall not thereafter be liable for
15 further payments under the contract. With regard to this
16 amendatory Act of the 93rd General Assembly, it is the intent
17 of the General Assembly that, beginning with the Governor who
18 takes office on the second Monday of January, 2007, a State
19 Superintendent of Education be appointed at the beginning of
20 each term of a Governor after that Governor has made
21 appointments to the Board. The State Superintendent of
22 Education shall not serve as a member of the State Board of
23 Education. The Board shall set the compensation of the State
24 Superintendent of Education who shall serve as the Board's
25 chief executive officer. The Board shall also establish the
26 duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State
2 Superintendent's performance-based contract along with the
3 goals and indicators of student performance and academic
4 improvement used to measure the performance and effectiveness
5 of the State Superintendent. The State Board of Education may
6 delegate to the State Superintendent of Education the authority
7 to act on the Board's behalf, provided such delegation is made
8 pursuant to adopted board policy or the powers delegated are
9 ministerial in nature. The State Board may not delegate
10 authority under this Section to the State Superintendent to (1)
11 nonrecognize school districts, (2) withhold State payments as a
12 penalty, or (3) make final decisions under the contested case
13 provisions of the Illinois Administrative Procedure Act unless
14 otherwise provided by law.

15 C. The powers and duties of the State Board of Education
16 shall encompass all duties delegated to the Office of
17 Superintendent of Public Instruction on January 12, 1975,
18 except as the law providing for such powers and duties is
19 thereafter amended, and such other powers and duties as the
20 General Assembly shall designate. The Board shall be
21 responsible for the educational policies and guidelines for
22 public schools, pre-school through grade 12 and Vocational
23 Education in the State of Illinois. The Board shall analyze the
24 present and future aims, needs, and requirements of education
25 in the State of Illinois and recommend to the General Assembly
26 the powers which should be exercised by the Board. The Board

1 shall recommend the passage and the legislation necessary to
2 determine the appropriate relationship between the Board and
3 local boards of education and the various State agencies and
4 shall recommend desirable modifications in the laws which
5 affect schools.

6 D. Two members of the Board shall be appointed by the
7 chairperson to serve on a standing joint Education Committee, 2
8 others shall be appointed from the Board of Higher Education, 2
9 others shall be appointed by the chairperson of the Illinois
10 Community College Board, and 2 others shall be appointed by the
11 chairperson of the Human Resource Investment Council. The
12 Committee shall be responsible for making recommendations
13 concerning the submission of any workforce development plan or
14 workforce training program required by federal law or under any
15 block grant authority. The Committee will be responsible for
16 developing policy on matters of mutual concern to elementary,
17 secondary and higher education such as Occupational and Career
18 Education, Teacher Preparation and Certification, Educational
19 Finance, Articulation between Elementary, Secondary and Higher
20 Education and Research and Planning. The joint Education
21 Committee shall meet at least quarterly and submit an annual
22 report of its findings, conclusions, and recommendations to the
23 State Board of Education, the Board of Higher Education, the
24 Illinois Community College Board, the Human Resource
25 Investment Council, the Governor, and the General Assembly. All
26 meetings of this Committee shall be official meetings for

1 reimbursement under this Act. On the effective date of this
2 amendatory Act of the 95th General Assembly, the Joint
3 Education Committee is abolished.

4 E. Five members of the Board shall constitute a quorum. A
5 majority vote of the members appointed, confirmed and serving
6 on the Board is required to approve any action, except that the
7 new Board members who were appointed to fill seats of members
8 whose terms were terminated on the effective date of this
9 amendatory act of the 93rd General Assembly may vote to approve
10 actions when appointed and serving.

11 Using the most recently available data, the Board shall
12 prepare and submit to the General Assembly and the Governor on
13 or before January 14, 1976 and annually thereafter a report or
14 reports of its findings and recommendations. Such annual report
15 shall contain a separate section which provides a critique and
16 analysis of the status of education in Illinois and which
17 identifies its specific problems and recommends express
18 solutions therefor. Such annual report also shall contain the
19 following information for the preceding year ending on June 30:
20 each act or omission of a school district of which the State
21 Board of Education has knowledge as a consequence of scheduled,
22 approved visits and which constituted a failure by the district
23 to comply with applicable State or federal laws or regulations
24 relating to public education, the name of such district, the
25 date or dates on which the State Board of Education notified
26 the school district of such act or omission, and what action,

1 if any, the school district took with respect thereto after
2 being notified thereof by the State Board of Education. ~~The~~
3 ~~report shall also include the statewide high school dropout~~
4 ~~rate by grade level, sex and race and the annual student~~
5 ~~dropout rate of and the number of students who graduate from,~~
6 ~~transfer from or otherwise leave bilingual programs.~~ The
7 Auditor General shall annually perform a compliance audit of
8 the State Board of Education's performance of the reporting
9 duty imposed by this amendatory Act of 1986. A regular system
10 of communication with other directly related State agencies
11 shall be implemented.

12 The requirement for reporting to the General Assembly shall
13 be satisfied by filing copies of the report with the Speaker,
14 the Minority Leader and the Clerk of the House of
15 Representatives and the President, the Minority Leader and the
16 Secretary of the Senate and the Legislative Council, as
17 required by Section 3.1 of the General Assembly Organization
18 Act, and filing such additional copies with the State
19 Government Report Distribution Center for the General Assembly
20 as is required under paragraph (t) of Section 7 of the State
21 Library Act.

22 F. Upon appointment of the 7 new Board members who were
23 appointed to fill seats of members whose terms were terminated
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly, the Board shall review all of its current
26 rules in an effort to streamline procedures, improve

1 efficiency, and eliminate unnecessary forms and paperwork.

2 (Source: P.A. 95-626, eff. 6-1-08; 95-793, eff. 1-1-09.)

3 (105 ILCS 5/10-20.30)

4 Sec. 10-20.30. No pass-no play policy. Beginning with the
5 1998-99 school year, the school board of each school district
6 that maintains any of grades 9 through 12 shall establish,
7 implement, and enforce a uniform and consistent policy under
8 which a student in any of those grades who fails to maintain a
9 specified minimum grade point average or a specified minimum
10 grade in each course in which the student is enrolled or both
11 is suspended from further participation in any
12 school-sponsored or school-supported athletic or
13 extracurricular activities for a specified period or until a
14 specified minimum grade point average or minimum grade or both
15 are earned by the student. Each school board shall adopt a
16 policy as required by this Section not later than one year
17 after the effective date of this amendatory Act of 1997 and
18 shall concurrently file a copy of that policy with the State
19 Board of Education. ~~After the policy has been in effect for one~~
20 ~~year, the school board shall file a report with the State Board~~
21 ~~of Education setting forth the number and length of suspensions~~
22 ~~imposed under the policy during the period covered by the~~
23 ~~report. If the school board already has a policy that is~~
24 ~~consistent with the requirements of this Section in effect on~~
25 ~~the effective date of this amendatory Act of 1997, it shall~~

1 ~~file a copy of that policy with the State Board of Education~~
2 ~~within 90 days after the effective date of this amendatory Act~~
3 ~~and shall file the annual report required under this Section 12~~
4 ~~months thereafter.~~

5 (Source: P.A. 90-548, eff. 1-1-98.)

6 (105 ILCS 5/10-21.4) (from Ch. 122, par. 10-21.4)

7 Sec. 10-21.4. Superintendent - Duties. Except in districts
8 in which there is only one school with less than four teachers,
9 to employ a superintendent who shall have charge of the
10 administration of the schools under the direction of the board
11 of education. In addition to the administrative duties, the
12 superintendent shall make recommendations to the board
13 concerning the budget, building plans, the locations of sites,
14 the selection, retention and dismissal of teachers and all
15 other employees, the selection of textbooks, instructional
16 material and courses of study. However, in districts under a
17 Financial Oversight Panel pursuant to Section 1A-8 for
18 violating a financial plan, the duties and responsibilities of
19 the superintendent in relation to the financial and business
20 operations of the district shall be approved by the Panel. In
21 the event the Board refuses or fails to follow a directive or
22 comply with an information request of the Panel, the
23 performance of those duties shall be subject to the direction
24 of the Panel. The superintendent shall also notify the State
25 Board of Education, the board and the chief administrative

1 official, other than the alleged perpetrator himself, in the
2 school where the alleged perpetrator serves, that any person
3 who is employed in a school or otherwise comes into frequent
4 contact with children in the school has been named as a
5 perpetrator in an indicated report filed pursuant to the Abused
6 and Neglected Child Reporting Act, approved June 26, 1975, as
7 amended. The superintendent shall keep or cause to be kept the
8 records and accounts as directed and required by the board, aid
9 in making reports required by the board, and perform such other
10 duties as the board may delegate to him.

11 ~~In addition, each year at a time designated by the State~~
12 ~~Superintendent of Education, each superintendent shall report~~
13 ~~to the State Board of Education the number of high school~~
14 ~~students in the district who are enrolled in accredited courses~~
15 ~~(for which high school credit will be awarded upon successful~~
16 ~~completion of the courses) at any community college, together~~
17 ~~with the name and number of the course or courses which each~~
18 ~~such student is taking.~~

19 The provisions of this section shall also apply to board of
20 director districts.

21 Notice of intent not to renew a contract must be given in
22 writing stating the specific reason therefor by April 1 of the
23 contract year unless the contract specifically provides
24 otherwise. Failure to do so will automatically extend the
25 contract for an additional year. Within 10 days after receipt
26 of notice of intent not to renew a contract, the superintendent

1 may request a closed session hearing on the dismissal. At the
2 hearing the superintendent has the privilege of presenting
3 evidence, witnesses and defenses on the grounds for dismissal.
4 The provisions of this paragraph shall not apply to a district
5 under a Financial Oversight Panel pursuant to Section 1A-8 for
6 violating a financial plan.

7 (Source: P.A. 97-256, eff. 1-1-12.)

8 (105 ILCS 5/34-8) (from Ch. 122, par. 34-8)

9 Sec. 34-8. Powers and duties of general superintendent. The
10 general superintendent of schools shall prescribe and control,
11 subject to the approval of the board and to other provisions of
12 this Article, the courses of study mandated by State law,
13 textbooks, educational apparatus and equipment, discipline in
14 and conduct of the schools, and shall perform such other duties
15 as the board may by rule prescribe. The superintendent shall
16 also notify the State Board of Education, the board and the
17 chief administrative official, other than the alleged
18 perpetrator himself, in the school where the alleged
19 perpetrator serves, that any person who is employed in a school
20 or otherwise comes into frequent contact with children in the
21 school has been named as a perpetrator in an indicated report
22 filed pursuant to the Abused and Neglected Child Reporting Act,
23 approved June 26, 1975, as amended.

24 The general superintendent may be granted the authority by
25 the board to hire a specific number of employees to assist in

1 meeting immediate responsibilities. Conditions of employment
2 for such personnel shall not be subject to the provisions of
3 Section 34-85.

4 The general superintendent may, pursuant to a delegation of
5 authority by the board and Section 34-18, approve contracts and
6 expenditures.

7 Pursuant to other provisions of this Article, sites shall
8 be selected, schoolhouses located thereon and plans therefor
9 approved, and textbooks and educational apparatus and
10 equipment shall be adopted and purchased by the board only upon
11 the recommendation of the general superintendent of schools or
12 by a majority vote of the full membership of the board and, in
13 the case of textbooks, subject to Article 28 of this Act. The
14 board may furnish free textbooks to pupils and may publish its
15 own textbooks and manufacture its own apparatus, equipment and
16 supplies.

17 ~~In addition, in January of each year, the general~~
18 ~~superintendent of schools shall report to the State Board of~~
19 ~~Education the number of high school students in the district~~
20 ~~who are enrolled in accredited courses (for which high school~~
21 ~~credit will be awarded upon successful completion of the~~
22 ~~courses) at any community college, together with the name and~~
23 ~~number of the course or courses which each such student is~~
24 ~~taking.~~

25 The general superintendent shall also have the authority to
26 monitor the performance of attendance centers, to identify and

1 place an attendance center on remediation and probation, and to
2 recommend to the board that the attendance center be placed on
3 intervention and be reconstituted, subject to the provisions of
4 Sections 34-8.3 and 8.4.

5 The general superintendent, or his or her designee, shall
6 conduct an annual evaluation of each principal in the district
7 pursuant to guidelines promulgated by the Board and the Board
8 approved principal evaluation form. The evaluation shall be
9 based on factors, including the following: (i) student academic
10 improvement, as defined by the school improvement plan; (ii)
11 student absenteeism rates at the school; (iii) instructional
12 leadership; (iv) effective implementation of programs,
13 policies, or strategies to improve student academic
14 achievement; (v) school management; and (vi) other factors,
15 including, without limitation, the principal's communication
16 skills and ability to create and maintain a student-centered
17 learning environment, to develop opportunities for
18 professional development, and to encourage parental
19 involvement and community partnerships to achieve school
20 improvement.

21 Effective no later than September 1, 2012, the general
22 superintendent or his or her designee shall develop a written
23 principal evaluation plan. The evaluation plan must be in
24 writing and shall supersede the evaluation requirements set
25 forth in this Section. The evaluation plan must do at least all
26 of the following:

1 (1) Provide for annual evaluation of all principals
2 employed under a performance contract by the general
3 superintendent or his or her designee, no later than July
4 1st of each year.

5 (2) Consider the principal's specific duties,
6 responsibilities, management, and competence as a
7 principal.

8 (3) Specify the principal's strengths and weaknesses,
9 with supporting reasons.

10 (4) Align with research-based standards.

11 (5) Use data and indicators on student growth as a
12 significant factor in rating principal performance.

13 (Source: P.A. 95-496, eff. 8-28-07; 96-861, eff. 1-15-10.)

14 (105 ILCS 5/2-3.11 rep.)

15 (105 ILCS 5/2-3.144 rep.)

16 (105 ILCS 5/10-20.25a rep.)

17 (105 ILCS 5/10-20.26 rep.)

18 Section 10. The School Code is amended by repealing
19 Sections 2-3.11, 2-3.144, 10-20.25a, and 10-20.26.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.